



**Memorandum No: 23-013**

**City Attorney's Office**

**To:** Honorable Mayor and Commissioners

**From:** D'Wayne M. Spence, Interim City Attorney

**Date:** February 22, 2023

**Re:** **REVISED-** List of Charter Sections Suggested for Revision

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Pursuant to your request, the following is former City Attorney Alain E. Boileau's list of Charter sections that should be addressed:

- Section. 4.06 - Acting city manager upon resignation of or during absence or disability of city manager. *The current requirements of this charter section are deem impractical and are not followed.*
- Section 10.03 - Public hearings and public notice. *The notice requirement for public meetings should be revised to be consistent with state law.*
- Section 3.12 - Special meetings—How called. *The notice requirements for special meetings should be revised to be consistent with state law. (i.e., 6 hours insufficient under state law)*
- Section 3.03 - Qualification of members; forfeiture of office. *Commissioner Glassman requested that the minimum age of eligibility to hold the office of city commissioner to be reduced from the age of 21 years.*
- Sections 3.08 - Forfeiture of office and 6.06 - City commission involvement prohibited. *The sections are inconsistent as Section 3.08 provides that if a city commissioner violates Section 6.06, she or he "shall forfeit" his or her office, while Section 6.06 only provides for the possibility of removal from office.*
- Section 7.16 - Election; tie vote; primary election to fill one vacancy. *Clean-up item to remove the reference to primary elections.*
- Article VII. **VIII** – Public Property. *The notice requirement for the sale or leases of public land should be consistent with state law.*

Please note that the Charter Revision Board has requested that our office provide a list of sections that are inconsistent with current law. That list is presently being compiled and will be provided to the board at a later date.